IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3379 OF 2005

NRC Limited & Anr. ..Petitioners.

Versus

Kalyan Municipal Corporation & Ors. ..Respondents.

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Mr. F. Divitre with Mr. F.Dubash and R.K. Satpalkar for the Petitioners.

Mr. A. S.Rao for the Respondents.

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**CORAM : S. A. BOBDE, J.**

**DATED : 11TH AUGUST, 2005.**

**P.C.:**

1. Rule, returnable forthwith.

2. After having heard the learned counsel for the parties for quite some time, following order is passed by consent:-

ORDER

i. The impugned orders dated 15.07.2003 and 30.04.2004 are hereby set aside.

ii. The matter is remanded back to the learned district Judge for decision on Civil Appeal No. 111/2001.

iii. Pending the Appeal, the petitioners shall furnish a bank guarantee in the sum Rs.1,23,00,000/- or equivalent to 25% of the balance amount within the period of three weeks from today.

iv. The learned district Judge shall decide the Appeal within a period of eight weeks from the date the parties appear before him. The parties are directed to appear on 25th August, 2005.

v. All contentions of both the parties are kept open.

vi. The learned district Judge shall decide the matter afresh without being influenced by any of the earlier orders.

vii. On the petitioners furnishing a bank

guarantee, as above, the respondent corporation shall not take any coercive steps in regard to the property tax for the year subsequent to the period for which the Bill No. 33601 is issued, for a period of four weeks after Civil Appeal No. 111/2001 is decided.

viii. Petition is disposed of in the above terms.

Dt. 11.08.2005 (S.A. BOBDE,J.)

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